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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 IN RE SUNPOWER SECURITIES  
14 LITIGATION

15 Case No. CV 09-5473-RS (JSC)  
16 (Consolidated)

17 **CLASS ACTION**

18 **DECLARATION OF ERIK D. PETERSON  
19 IN SUPPORT OF THE STIPULATION  
20 AND [PROPOSED] ORDER REGARDING  
21 BRIEFING SCHEDULE FOR  
22 DEFENDANTS' MOTION FOR PARTIAL  
23 JUDGMENT ON THE PLEADINGS AND  
24 REQUEST FOR JUDICIAL NOTICE**

1 Pursuant to 28 U.S.C. §1746 and Civil Local Rule 6-2(a), I, Erik D. Peterson, declare as  
2 follows:

3 1. I am a member of the bar of the State of California and an associate with the  
4 law firm of Kessler Topaz Meltzer & Check, LLP, Lead Counsel for Plaintiffs.

5 2. I respectfully submit this declaration in support of the Stipulation and  
6 [Proposed] Order Regarding Briefing Schedule for Defendants' Motion for Partial Judgment  
7 on the Pleadings and Request for Judicial Notice.

8 3. On September 14, 2012, Defendants filed a Motion for Partial Judgment on the  
9 Pleadings (the "Motion") (Docket No. 217) pursuant to Fed. R. Civ. P. 12(c) and Request for  
10 Judicial Notice in Support of Defendants' Motion (Docket No. 218).

11 4. Pursuant to Civil Local Rules 7-3(a) and (c), Plaintiffs' opposition brief is  
12 currently due September 28, 2012, and Defendants' reply brief is due October 5, 2012.

13 5. Defendants' Motion challenges 32 separate statements alleged in the First  
14 Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws  
15 (Docket No. 153) and includes numerous exhibits, charts and attachments.

16 6. Plaintiffs believe additional time is appropriate to fully address the issues raised  
17 in the Motion and Defendants do not oppose.

18 7. Plaintiffs believe additional time will allow the parties to meet and confer in  
19 good faith to attempt to narrow the statements and issues in dispute and thus conserve both  
20 judicial and party resources.

21 8. Previously, the Court has entered the following Orders modifying time:

22 a. Stipulation and Order Extending Time to Respond to Complaint (Docket  
23 No. 7);

24 b. Related Case Order (Docket No. 53);

25 c. Stipulation and Order Continuing Case Management Conference  
26 (Docket No. 65);

27 d. Stipulation and Order Continuing Case Management Conference  
28 (Docket No. 66);

- 1 e. Order Setting Schedule for Filing of Consolidated Complaint (Docket
- 2 No. 77);
- 3 f. Stipulation and Scheduling Order (Docket No. 109);
- 4 g. Stipulation and Order Regarding Response Date and Briefing Schedule
- 5 (Docket No. 111);
- 6 h. Stipulation and Order Continuing Case Management Conference
- 7 (Docket No. 138);
- 8 i. Stipulation and Order Continuing Case Management Conference
- 9 (Docket No. 145);
- 10 j. Clerk's Notice (Docket No. 148);
- 11 k. Stipulation and Order Setting Schedule for Filing Amended Complaint
- 12 and Defendants' Response (Docket No. 151);
- 13 l. Clerk's Notice (Docket No. 177); and
- 14 m. Stipulation and Order Regarding Scheduling (Docket No. 180).

15 9. The requested time modification will have no effect on the schedule for this  
16 case. *See* Docket No. 190.

17 I declare under penalty of perjury that the foregoing is true and correct.

18  
19 Dated: September 21, 2012

*/s/ Erik D. Peterson*  
ERIK D. PETERSON

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 21, 2012.

/s/ Erik D. Peterson  
ERIK D. PETERSON

## Mailing Information for a Case 3:09-cv-05473-RS

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## Manual Notice List

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